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Human rights questions: human rights situations and reports of special rapporteurs and representatives

Albania, Andorra, Australia, Austria, Belgium, Bulgaria, Canada, Costa Rica, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Iceland, Ireland, Italy, Latvia, Liechtenstein, Luxembourg, Malta, Monaco, Netherlands, New Zealand, Norway, Poland, Portugal, Republic of Korea, Romania, San Marino, Slovenia, Spain, Sweden, Switzerland, United Kingdom of Great Britain and Northern Ireland and United States of America: draft resolution

Situation of human rights in Myanmar

The General Assembly,

Guided by the Charter of the United Nations, the Universal Declaration of Human Rights,[1] the International Covenants on Human Rights[2] and other human rights instruments,

Reaffirming that all States Members of the United Nations have an obligation to promote and protect human rights and fundamental freedoms and to fulfil the obligations they have undertaken under the various international instruments in the field,

Aware that Myanmar is a party to the Convention on the Rights of the Child,[3] the Convention on the Elimination of All Forms of Discrimination against Women,[4] the Geneva Conventions of 12 August 1949 on the protection of the victims of war,[5] as well as the Convention concerning forced or compulsory labour (Convention No. 29) of 1930 and the Convention concerning freedom of association and protection of the right to organize (Convention No. 87) of 1948 of the International Labour Organization,

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[1] Resolution 217 A (III).
[2] Resolution 2200 A (XXI), annex.
[3] Resolution 44/25, annex.
[4] Resolution 34/180, annex.
[5] United Nations, *Treaty Series*, vol. 75, Nos. 970-973.

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Recalling its previous resolutions on the subject, the most recent of which is resolution 56/231 of 24 December 2001, and those of the Commission on Human Rights, the most recent of which is resolution 2002/67 of 25 April 2002,[6]

Recalling resolution 1 adopted by the International Labour Conference at its eighty-eighth session, on 14 June 2000, concerning the practice of forced or compulsory labour in Myanmar,

Affirming that the will of the people is the basis of the authority of government and that the will of the people of Myanmar was clearly expressed in the elections held in 1990,

Affirming also that the establishment of a genuine democratic government in Myanmar is essential for the realization of all human rights and fundamental freedoms,

1. *Welcomes*:

(a) The preliminary steps taken by the Government of Myanmar towards democracy, in particular: the release from house arrest of Aung San Suu Kyi on 6 May 2002 and her subsequent internal freedom of movement, the release of a number of political prisoners, and the relaxation of some constraints on some political activities of the National League for Democracy;

(b) The appointment by the International Labour Organization of a liaison officer in Myanmar as a first step towards the establishment of full and effective representation of the Organization in Myanmar;

(c) The visits to Myanmar by the Special Envoy of the Secretary-General on Myanmar during the past year, and the visits by the Special Rapporteur of the Commission on Human Rights on the situation of human rights in Myanmar, and the cooperation extended to them by the Government of Myanmar;

(d) The continued cooperation with the International Committee of the Red Cross;

(e) The dissemination of human rights standards for public officials and some non-governmental organizations and ethnic groups through a series of human rights workshops;

2. *Notes* the establishment by the Government of Myanmar of a committee on human rights as a precursor to the establishment of a national human rights commission, which would follow the Principles relating to the status of national institutions for the promotion and protection of human rights annexed to General Assembly resolution 48/134 of 20 December 1993;

3. *Expresses its grave concern* at:

(a) The ongoing systematic violation of the human rights, including civil, political, economic, social and cultural rights, of the people of Myanmar;

(b) Extrajudicial killings; rapes and other forms of sexual violence carried out by members of the armed forces; torture; renewed instances of political arrests and continuing detentions, including of prisoners whose sentences have expired;

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[6] See *Official Records of the Economic and Social Council, 2002, Supplement No. 3* (E/2002/23), chap. II, sect. A.

forced relocation; destruction of livelihoods; forced labour; denial of freedoms of assembly, association, expression and movement; discrimination on the basis of religious or ethnic background; wide disrespect for the rule of law and lack of independence of the judiciary; deeply unsatisfactory conditions of detention; systematic use of child soldiers; and violations of the rights to an adequate standard of living, in particular food and medical care, and to education;

(c) The disproportionate suffering of members of ethnic minorities, women and children from such violations;

(d) The situation of the large number of internally displaced persons and the flow of refugees to neighbouring countries;

(e) The ever-increasing impact of the human immunodeficiency virus/acquired immunodeficiency syndrome (HIV/AIDS) on the population of Myanmar;

4. *Calls upon* the Government of Myanmar:

(a) To fulfil its obligations to restore the independence of the judiciary and due process of law, and to take further steps to reform the system of the administration of justice;

(b) To take immediate action to implement fully concrete legislative, executive and administrative measures to eradicate the practice of forced labour and to implement fully the recommendations of the Commission of Inquiry established to examine the observance by Myanmar of the International Labour Organization Convention concerning forced or compulsory labour (Convention No. 29) of 1930;

(c) To pursue the dialogue with the International Labour Organization towards the implementation of a full and effective representation of the organization in Myanmar;

(d) To ensure safe and unhindered access to the United Nations and international humanitarian organizations and to cooperate fully with all sectors of society, especially with the National League for Democracy and other relevant political, ethnic and community-based groups through consultation, to ensure the provision of humanitarian assistance and to guarantee that it actually reaches the most vulnerable groups of the population;

(e) To continue to cooperate with the Special Envoy of the Secretary-General on Myanmar and the Special Rapporteur of the Commission on Human Rights on the situation of human rights in Myanmar;

(f) To consider as a matter of high priority becoming a party to: the International Covenant on Civil and Political Rights,[2] the International Covenant on Economic, Social and Cultural Rights,[2] the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment,[7] the International Convention on the Elimination of All Forms of Racial Discrimination,[8] the Convention relating to the Status of Refugees[9] and its Protocol,[10] the Optional Protocol on the involvement of children in armed conflict[11] to the Convention on

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[7] Resolution 39/46, annex.

[8] Resolution 34/180, annex.

[9] United Nations, *Treaty Series*, vol. 189, No. 2545.

[10] Ibid., vol. 606, No. 8791.

[11] Resolution 54/263, annex I.

the Rights of the Child[3] and the International Labour Organization Convention concerning the prohibition and immediate action for the elimination of the worst forms of child labour (Convention No. 182) of 1999;

(g) To pursue through dialogue and peaceful means an end to conflict with all ethnic groups in Myanmar;

5. *Strongly urges* the Government of Myanmar:

(a) To restore democracy and implement the results of the 1990 elections and to ensure that the contacts with Aung San Suu Kyi and other leaders of the National League for Democracy move without delay into substantive and structured dialogue towards democratization and national reconciliation and at an early stage to include other political leaders in these talks, including the representatives of the ethnic groups;

(b) To end the systematic violations of human rights in Myanmar and to ensure full respect for all human rights and fundamental freedoms and, to end impunity, to investigate and bring to justice any perpetrators of human rights violations, including members of the military and other government agents in all circumstances;

(c) To facilitate and cooperate fully with an independent international investigation of charges of rapes and other abuse of civilians carried out by members of the armed forces in Shan and other states;

(d) To release unconditionally and immediately all political prisoners;

(e) To put an immediate end to the recruitment and use of child soldiers and to extend full cooperation to relevant international organizations in order to ensure the demobilization of child soldiers, their return home and their rehabilitation;

(f) To lift all restraints on peaceful political activity, including guaranteeing freedom of association and freedom of expression, including freedom of the media;

(g) To end the systematic enforced displacement of persons and other causes of refugee flows to neighbouring countries, and to provide the necessary protection and assistance to internally displaced persons and to respect the right of refugees to voluntary, safe and dignified return monitored by appropriate international agencies;

(h) To recognize the gravity of the situation regarding HIV/AIDS and the need to take necessary action against the epidemic, including through the effective implementation in Myanmar of the United Nations joint action plan on HIV/AIDS, in cooperation with all relevant political and ethnic groups;

6. *Requests* the Secretary-General to continue to provide his good offices and to pursue his discussions on the situation of human rights and the restoration of democracy with the Government and people of Myanmar, to submit additional reports to the General Assembly during its fifty-seventh session on the progress of those discussions, and to report to the Assembly at its fifty-eighth session and to the Commission on Human Rights at its fifty-ninth session on the progress made in the implementation of the present resolution;

7. *Decides* to continue consideration of this question at its fifty-eighth session.